




## DEPARTMENT OF MENTAL HEALTH POLICY/PROCEDURE

SUBJECT <b>EMPLOYMENT RECORDS</b>	POLICY NO. <b>609.02</b>	EFFECTIVE DATE <b>04/07/2010</b>	PAGE <b>1 of 3</b>
APPROVED BY:  Director	SUPERSEDES <b>609.02 10/01/1989</b>	ORIGINAL ISSUE DATE <b>04/02/1979</b>	DISTRIBUTION LEVEL(S) <b>1</b>

### PURPOSE

- 1.1 To provide uniform guidelines for the organization, transfer, confidentiality and retention of Los Angeles County Department of Mental Health (LACDMH) Employment Files.

### DEFINITION

- 2.2 An **Employment File** is comprised of three separate folders: Official Employee Personnel Folder, Official Employee Accident/Medical Folder, and Payroll Folder.

### POLICY

- 3.1 DMH-Human Resources Bureau (DMH-HRB) is responsible for the maintenance and security of Employment Files for each LACDMH employee while an employee is employed by LACDMH. DMH-HRB is responsible to ensure that the contents are organized in compliance with the County of Los Angeles Department of Human Resources, Policies, Procedures and Guidelines No. 210. DMH-HRB is responsible to secure all Employee Files and hold as confidential.

### PROCEDURE

- 4.1 Employment Files are maintained and secured by DMH-HRB and are designated as the only official files containing an employee's work history.
- 4.2 Employment Records are the sole property and responsibility of LACDMH. However, employees will be given reasonable access to their Employment File under the supervision of authorized DMH-HRB staff following written request to the DMH Human Resources Manager.
- 4.3 Federal and State privacy laws provide that Employee Records are confidential. LACDMH will ensure that security is maintained and that access is limited to authorized individuals having a legitimate need to review them.



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### 4.4 The following persons are authorized to access Employment Files:

1. The employee;
2. The employee's representative or agent and prospective employers, upon presentation of the employee's signed authorization;
3. The employee's supervisory chain of command, Departmental management and authorized DMH-HRB staff;
4. The Office of Affirmative Action Compliance pursuant to its investigation of a discrimination or sexual harassment complaint;
5. Agents of the County, such as third-party administrators of Workers' Compensation, Long-Term Disability, authorized representatives of the Director of Personnel or attorneys representing the County;
6. The Civil Service Commission or Director of Personnel as specified in Civil Service Rule 20.10;
7. Agencies authorized by law to access personnel and payroll files and persons with a properly executed subpoena from a court or judicial body authorized to issue subpoenas; and
8. Authorized DMH-HRB Staff.

4.5 A member of DMH-HRB will be present at all times when an employee or other authorized person reviews an Employment File. Proper identification will be required prior to permitting any person to review an Employment File.

4.6 Employment Files will be retained while the employee is employed by LACDMH.

4.7 When an employee transfers to another County department, LACDMH will transmit the official Personnel Folder and Accident/Medical Folder to the receiving department within ten (10) business days. LACDMH will obtain a receipt from the receiving department.

4.8 Employment Files will be maintained for five (5) years following an employee's termination of County service. After five (5) years the Employment Records will be destroyed.

4.9 Documents may be removed from an Employment File, or sealed, according to the provision of Memoranda of Understanding, to correct an inadvertent placement of a document or pursuant to a settlement agreement or court order.



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### **AUTHORITY**

1. County of Los Angeles Department of Human Resources Policies, Procedures and Guidelines No. 210

### **RESPONSIBLE PARTY**

LACDMH Human Resources Bureau

### **REVIEW DATE**

This policy shall be reviewed five (5) years following the date of approval.